

AMENDED IN SENATE JUNE 17, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

AMENDED IN ASSEMBLY MARCH 17, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 379**

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**Introduced by Assembly Member Gordon**

February 18, 2015

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An act to amend Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2 of, and to amend the heading of Chapter 5.5 (commencing with Section 48850) of Part 27 of Division 4 of Title 2 of, the Education Code, relating to foster youth.

### LEGISLATIVE COUNSEL'S DIGEST

AB 379, as amended, Gordon. Foster youth: complaint of noncompliance.

(1) Existing law requires certain pupils placed in a licensed children's institution or foster family home to attend programs operated by the local educational agency unless a specified condition applies. Existing law authorizes certain foster children living in emergency shelters to receive educational services at the emergency shelter as necessary for short periods of time for specified reasons. Existing law requires that all educational and school placement decisions be based on the best interests of the child.

This bill would specify that the short period of time described above not exceed 5 schooldays, except as provided. The bill would authorize the filing of a complaint of noncompliance with these provisions to be

filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil. The bill would also require information regarding the requirements of these provisions relating to educational and school placements of certain foster youth to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(2) Existing law requires each local educational agency, as defined, to designate a staff person as the educational liaison for foster children, as defined. Existing law requires the educational liaison to ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children, and to assist foster children when transferring from one school to another school or from one school district to another school district in ensuring the proper transfer of credits, records, and grades.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil. The bill would also require information regarding the requirements of these provisions relating to educational and school placements of certain foster youth to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(3) Existing law establishes procedures for the transfer of pupils in foster care between schools and, among other things, requires the local educational agency from which the pupil is transferring to compile the complete educational record of the pupil, including, among other things, full or partial credits earned and current classes and grades, and to deliver the educational information and records of the pupil to the next educational placement.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would require, if a local educational agency finds

merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil. The bill would also require information regarding the requirements of these provisions relating to the transfer of pupils in foster care between schools to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(4) Existing law requires a school district, except as provided, to exempt a pupil in foster care, as defined, or a pupil who is a homeless child or youth, as defined, who transfers between schools any time after the completion of the pupil's 2nd year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to certain statewide coursework requirements. Existing law requires the school district to notify specified individuals, including a pupil in foster care or a pupil who is a homeless child or youth, within 30 calendar days of the date that the pupil who may qualify for the exemption from local graduation requirements transfers into a school, that the pupil qualifies for that exemption.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil. The bill would also require information regarding the requirements of these provisions relating to exempting certain pupils from specified coursework to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(5) Existing law requires a school district and county office of education to accept coursework satisfactorily completed by a pupil in foster care or a pupil who is a homeless child while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency even if the pupil did not complete the entire course and requires the school district and county office of education to issue the pupil full or partial credit for the coursework completed. Existing law requires those credits accepted to be applied to the same or equivalent course, if applicable, as the coursework completed in the prior public school, juvenile court school, or nonpublic, nonsectarian school or agency.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would require, if a local educational agency finds merit in a complaint or the Superintendent of Public Instruction finds merit in an appeal, the local educational agency to provide a remedy to the affected pupil. The bill would also require information regarding the requirements of these provisions relating to the requirement that local educational agencies accept coursework satisfactorily completed by certain pupils, as specified, to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The heading of Chapter 5.5 (commencing with  
2 Section 48850) of Part 27 of Division 4 of Title 2 of the Education  
3 Code is amended to read:

4  
5 CHAPTER 5.5. EDUCATION OF PUPILS IN FOSTER CARE AND  
6 PUPILS WHO ARE HOMELESS  
7

8 SEC. 2. Section 48853 of the Education Code is amended to  
9 read:

10 48853. (a) A pupil described in subdivision (a) of Section  
11 48853.5 who is placed in a licensed children's institution or foster  
12 family home shall attend programs operated by the local  
13 educational agency, unless one of the following applies:

14 (1) The pupil is entitled to remain in his or her school of origin  
15 pursuant to paragraph (1) of subdivision (d) of Section 48853.5.

1 (2) The pupil has an individualized education program requiring  
2 placement in a nonpublic, nonsectarian school or agency, or in  
3 another local educational agency.

4 (3) The parent or guardian, or other person holding the right to  
5 make educational decisions for the pupil pursuant to Section 361  
6 or 726 of the Welfare and Institutions Code or Section 56055,  
7 determines that it is in the best interests of the pupil to be placed  
8 in another educational program, in which case the parent or  
9 guardian or other person holding the right to make educational  
10 decisions for the pupil shall provide a written statement that he or  
11 she has made that determination to the local educational agency.  
12 This statement shall include a declaration that the parent, guardian,  
13 or other person holding the right to make educational decisions  
14 for the pupil is aware of all of the following:

15 (A) The pupil has a right to attend a regular public school in the  
16 least restrictive environment.

17 (B) The alternate education program is a special education  
18 program, if applicable.

19 (C) The decision to unilaterally remove the pupil from the  
20 regular public school and to place the pupil in an alternate  
21 education program may not be financed by the local educational  
22 agency.

23 (D) Any attempt to seek reimbursement for the alternate  
24 education program may be at the expense of the parent, guardian,  
25 or other person holding the right to make educational decisions  
26 for the pupil.

27 (b) For purposes of ensuring a parent, guardian, or other person  
28 holding the right to make educational decisions for the pupil is  
29 aware of the information described in subparagraphs (A) to (D),  
30 inclusive, of paragraph (3) of subdivision (a), the local educational  
31 agency may provide him or her with that information in writing.

32 (c) Before any decision is made to place a pupil in a juvenile  
33 court school as defined by Section 48645.1, a community school  
34 as described in Sections 1981 and 48660, or other alternative  
35 educational setting, the parent or guardian, or person holding the  
36 right to make educational decisions for the pupil pursuant to  
37 Section 361 or 726 of the Welfare and Institutions Code or Section  
38 56055, shall first consider placement in the regular public school.

39 (d) If any dispute arises as to the school placement of a pupil  
40 subject to this section, the pupil has the right to remain in his or

1 her school of origin, as defined in subdivision (e) of Section  
2 48853.5, pending resolution of the dispute. The dispute shall be  
3 resolved in accordance with the existing dispute resolution process  
4 available to any pupil served by the local educational agency.

5 (e) This section does not supersede other laws that govern pupil  
6 expulsion.

7 (f) This section does not supersede any other law governing the  
8 educational placement in a juvenile court school, as defined by  
9 Section 48645.1, of a pupil detained in a county juvenile hall, or  
10 committed to a county juvenile ranch, camp, forestry camp, or  
11 regional facility.

12 (g) (1) Foster children living in emergency shelters, as  
13 referenced in the federal McKinney-Vento Homeless Assistance  
14 Act (42 U.S.C. Sec. 11301 et seq.), may receive educational  
15 services at the emergency shelter as necessary for short periods of  
16 ~~time, not to exceed five schooldays unless the express written~~  
17 ~~consent of the educational rights holder has been provided;~~ *time*  
18 for either of the following reasons:

19 (A) For health and safety emergencies.

20 (B) To provide temporary, special, and supplementary services  
21 to meet the child's unique needs if a decision regarding whether  
22 it is in the child's best interests to attend the school of origin cannot  
23 be made promptly, it is not practical to transport the child to the  
24 school of origin, and the child would otherwise not receive  
25 educational services.

26 (2) The educational services may be provided at the shelter  
27 pending a determination by the person holding the right regarding  
28 the educational placement of the child.

29 (h) All educational and school placement decisions shall be  
30 made to ensure that the child is placed in the least restrictive  
31 educational programs and has access to academic resources,  
32 services, and extracurricular and enrichment activities that are  
33 available to all pupils. In all instances, educational and school  
34 placement decisions shall be based on the best interests of the  
35 child.

36 (i) (1) A complaint of noncompliance with the requirements of  
37 this section may be filed with the local educational agency under  
38 the Uniform Complaint Procedures set forth in Chapter 5.1  
39 (commencing with Section 4600) of Division 1 of Title 5 of the  
40 California Code of Regulations.

1 (2) A complainant not satisfied with the decision of a local  
2 educational agency may appeal the decision to the department  
3 pursuant to Chapter 5.1 (commencing with Section 4600) of  
4 Division 1 of Title 5 of the California Code of Regulations and  
5 shall receive a written decision regarding the appeal within 60  
6 days of the department's receipt of the appeal.

7 (3) If a local educational agency finds merit in a complaint, or  
8 the Superintendent finds merit in an appeal, the local educational  
9 agency shall provide a remedy to the affected pupil.

10 (4) Information regarding the requirements of this section shall  
11 be included in the annual notification distributed to, among others,  
12 pupils, parents or guardians of pupils, employees, and other  
13 interested parties pursuant to Section 4622 of Title 5 of the  
14 California Code of Regulations.

15 SEC. 3. Section 48853.5 of the Education Code is amended to  
16 read:

17 48853.5. (a) This section applies to a foster child. "Foster  
18 child" means a child who has been removed from his or her home  
19 pursuant to Section 309 of the Welfare and Institutions Code, is  
20 the subject of a petition filed under Section 300 or 602 of the  
21 Welfare and Institutions Code, or has been removed from his or  
22 her home and is the subject of a petition filed under Section 300  
23 or 602 of the Welfare and Institutions Code.

24 (b) Each local educational agency shall designate a staff person  
25 as the educational liaison for foster children. In a school district  
26 that operates a foster children services program pursuant to Chapter  
27 11.3 (commencing with Section 42920) of Part 24 of Division 3,  
28 the educational liaison shall be affiliated with the local foster  
29 children services program. The educational liaison shall do all of  
30 the following:

31 (1) Ensure and facilitate the proper educational placement,  
32 enrollment in school, and checkout from school of foster children.

33 (2) Assist foster children when transferring from one school to  
34 another school or from one school district to another school district  
35 in ensuring proper transfer of credits, records, and grades.

36 (c) If so designated by the superintendent of the local educational  
37 agency, the educational liaison shall notify a foster child's attorney  
38 and the appropriate representative of the county child welfare  
39 agency of pending expulsion proceedings if the decision to  
40 recommend expulsion is a discretionary act, pending proceedings

1 to extend a suspension until an expulsion decision is rendered if  
2 the decision to recommend expulsion is a discretionary act, and,  
3 if the foster child is an individual with exceptional needs, pending  
4 manifestation determinations pursuant to Section 1415(k) of Title  
5 20 of the United States Code if the local educational agency has  
6 proposed a change in placement due to an act for which the  
7 decision to recommend expulsion is at the discretion of the  
8 principal or the district superintendent of schools.

9 (d) This section does not grant authority to the educational  
10 liaison that supersedes the authority granted under state and federal  
11 law to a parent or legal guardian retaining educational rights, a  
12 responsible adult appointed by the court to represent the child  
13 pursuant to Section 361 or 726 of the Welfare and Institutions  
14 Code, a surrogate parent, or a foster parent exercising the authority  
15 granted under Section 56055. The role of the educational liaison  
16 is advisory with respect to placement decisions and determination  
17 of the school of origin.

18 (e) (1) At the initial detention or placement, or any subsequent  
19 change in placement of a foster child, the local educational agency  
20 serving the foster child shall allow the foster child to continue his  
21 or her education in the school of origin for the duration of the  
22 jurisdiction of the court.

23 (2) If the jurisdiction of the court is terminated before the end  
24 of an academic year, the local educational agency shall allow a  
25 former foster child who is in kindergarten or any of grades 1 to 8,  
26 inclusive, to continue his or her education in the school of origin  
27 through the duration of the academic school year.

28 (3) (A) If the jurisdiction of the court is terminated while a  
29 foster child is in high school, the local educational agency shall  
30 allow the former foster child to continue his or her education in  
31 the school of origin through graduation.

32 (B) For purposes of this paragraph, a school district is not  
33 required to provide transportation to a former foster child who has  
34 an individualized education program that does not require  
35 transportation as a related service and who changes residence but  
36 remains in his or her school of origin pursuant to this paragraph,  
37 unless the individualized education program team determines that  
38 transportation is a necessary related service.

39 (4) To ensure that the foster child has the benefit of matriculating  
40 with his or her peers in accordance with the established feeder



1 patterns of school districts, if the foster child is transitioning  
2 between school grade levels, the local educational agency shall  
3 allow the foster child to continue in the school district of origin in  
4 the same attendance area, or, if the foster child is transitioning to  
5 a middle school or high school, and the school designated for  
6 matriculation is in another school district, to the school designated  
7 for matriculation in that school district.

8 (5) Paragraphs (2), (3), and (4) do not require a school district  
9 to provide transportation services to allow a foster child to attend  
10 a school or school district, unless otherwise required under federal  
11 law. This paragraph does not prohibit a school district from, at its  
12 discretion, providing transportation services to allow a foster child  
13 to attend a school or school district.

14 (6) The educational liaison, in consultation with, and with the  
15 agreement of, the foster child and the person holding the right to  
16 make educational decisions for the foster child, may recommend,  
17 in accordance with the foster child's best interests, that the foster  
18 child's right to attend the school of origin be waived and the foster  
19 child be enrolled in a public school that pupils living in the  
20 attendance area in which the foster child resides are eligible to  
21 attend.

22 (7) Before making a recommendation to move a foster child  
23 from his or her school of origin, the educational liaison shall  
24 provide the foster child and the person holding the right to make  
25 educational decisions for the foster child with a written explanation  
26 stating the basis for the recommendation and how the  
27 recommendation serves the foster child's best interests.

28 (8) (A) If the educational liaison, in consultation with the foster  
29 child and the person holding the right to make educational decisions  
30 for the foster child, agrees that the best interests of the foster child  
31 would best be served by his or her transfer to a school other than  
32 the school of origin, the foster child shall immediately be enrolled  
33 in the new school.

34 (B) The new school shall immediately enroll the foster child  
35 even if the foster child has outstanding fees, fines, textbooks, or  
36 other items or moneys due to the school last attended or is unable  
37 to produce clothing or records normally required for enrollment,  
38 such as previous academic records, medical records, including,  
39 but not limited to, records or other proof of immunization history  
40 pursuant to Chapter 1 (commencing with Section 120325) of Part

1 2 of Division 105 of the Health and Safety Code, proof of  
2 residency, other documentation, or school uniforms.

3 (C) Within two business days of the foster child's request for  
4 enrollment, the educational liaison for the new school shall contact  
5 the school last attended by the foster child to obtain all academic  
6 and other records. The last school attended by the foster child shall  
7 provide all required records to the new school regardless of any  
8 outstanding fees, fines, textbooks, or other items or moneys owed  
9 to the school last attended. The educational liaison for the school  
10 last attended shall provide all records to the new school within two  
11 business days of receiving the request.

12 (9) If a dispute arises regarding the request of a foster child to  
13 remain in the school of origin, the foster child has the right to  
14 remain in the school of origin pending resolution of the dispute.  
15 The dispute shall be resolved in accordance with the existing  
16 dispute resolution process available to a pupil served by the local  
17 educational agency.

18 (10) The local educational agency and the county placing agency  
19 are encouraged to collaborate to ensure maximum use of available  
20 federal moneys, explore public-private partnerships, and access  
21 any other funding sources to promote the well-being of foster  
22 children through educational stability.

23 (11) It is the intent of the Legislature that this subdivision shall  
24 not supersede or exceed other laws governing special education  
25 services for eligible foster children.

26 (f) For purposes of this section, "school of origin" means the  
27 school that the foster child attended when permanently housed or  
28 the school in which the foster child was last enrolled. If the school  
29 the foster child attended when permanently housed is different  
30 from the school in which the foster child was last enrolled, or if  
31 there is some other school that the foster child attended with which  
32 the foster child is connected and that the foster child attended  
33 within the immediately preceding 15 months, the educational  
34 liaison, in consultation with, and with the agreement of, the foster  
35 child and the person holding the right to make educational decisions  
36 for the foster child, shall determine, in the best interests of the  
37 foster child, the school that shall be deemed the school of origin.

38 (g) This section does not supersede other law governing the  
39 educational placements in juvenile court schools, as described in

1 Section 48645.1, by the juvenile court under Section 602 of the  
2 Welfare and Institutions Code.

3 (h) (1) A complaint of noncompliance with the requirements  
4 of this section may be filed with the local educational agency under  
5 the Uniform Complaint Procedures set forth in Chapter 5.1  
6 (commencing with Section 4600) of Division 1 of Title 5 of the  
7 California Code of Regulations.

8 (2) A complainant not satisfied with the decision of a local  
9 educational agency may appeal the decision to the department  
10 pursuant to Chapter 5.1 (commencing with Section 4600) of  
11 Division 1 of Title 5 of the California Code of Regulations and  
12 shall receive a written decision regarding the appeal within 60  
13 days of the department's receipt of the appeal.

14 (3) If a local educational agency finds merit in a complaint, or  
15 the Superintendent finds merit in an appeal, the local educational  
16 agency shall provide a remedy to the affected pupil.

17 (4) Information regarding the requirements of this section shall  
18 be included in the annual notification distributed to, among others,  
19 pupils, parents or guardians of pupils, employees, and other  
20 interested parties pursuant to Section 4622 of Title 5 of the  
21 California Code of Regulations.

22 SEC. 4. Section 49069.5 of the Education Code is amended to  
23 read:

24 49069.5. (a) The Legislature finds and declares all of the  
25 following:

26 (1) The mobility of pupils in foster care often disrupts their  
27 educational experience.

28 (2) Efficient transfer procedures and transfer of pupil records  
29 is a critical factor in the swift placement of foster children in  
30 educational settings.

31 (3) Pupils who have had contact with the juvenile justice system  
32 are often denied credit or partial credit earned during enrollment  
33 in juvenile court schools. Delays in school enrollment and loss of  
34 earned credit can result in improper class or school placement,  
35 denial of special education services, and school dropout.

36 (b) The proper and timely transfer between schools of pupils in  
37 foster care is the responsibility of both the local educational agency,  
38 including the county office of education for pupils in foster care  
39 who are enrolled in juvenile court schools, and the county placing  
40 agency, which includes the county probation department.

1 (c) As soon as the county placing agency or county office of  
2 education becomes aware of the need to transfer a pupil in foster  
3 care out of his or her current school, the county placing agency or  
4 county office of education shall contact the appropriate person at  
5 the local educational agency of the pupil. The county placing  
6 agency shall notify the local educational agency of the date that  
7 the pupil will be leaving the school and request that the pupil be  
8 transferred out.

9 (d) Upon receiving a transfer request from a county placing  
10 agency or notification of enrollment from the new local educational  
11 agency, the local educational agency receiving the transfer request  
12 or notification shall, within two business days, transfer the pupil  
13 out of school and deliver the educational information and records  
14 of the pupil to the next educational placement.

15 (e) As part of the transfer process described under subdivisions  
16 (c) and (d), the local educational agency shall compile the complete  
17 educational record of the pupil, including a determination of seat  
18 time, full or partial credits earned, current classes and grades,  
19 immunization and other records, and, if applicable, a copy of the  
20 pupil's plan adopted pursuant to Section 504 of the federal  
21 Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or individualized  
22 education program adopted pursuant to the federal Individuals  
23 with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

24 (f) The local educational agency shall assign the duties listed  
25 in this section to a person competent to handle the transfer  
26 procedure and who is aware of the specific educational  
27 recordkeeping needs of homeless, foster, and other transient  
28 children who transfer between schools.

29 (g) The local educational agency shall ensure that, if the pupil  
30 in foster care is absent from school due to a decision to change the  
31 placement of a pupil made by a court or placing agency, the grades  
32 and credits of the pupil will be calculated as of the date the pupil  
33 left school and no lowering of grades will occur as a result of the  
34 absence of the pupil under these circumstances.

35 (h) The local educational agency shall ensure that, if the pupil  
36 in foster care is absent from school due to a verified court  
37 appearance or related court ordered activity, no lowering of his or  
38 her grades will occur as a result of the absence of the pupil under  
39 these circumstances.

1 (i) (1) A complaint of noncompliance with the requirements of  
2 this section may be filed with the local educational agency under  
3 the Uniform Complaint Procedures set forth in Chapter 5.1  
4 (commencing with Section 4600) of Division 1 of Title 5 of the  
5 California Code of Regulations.

6 (2) A complainant not satisfied with the decision of a local  
7 educational agency may appeal the decision to the department  
8 pursuant to Chapter 5.1 (commencing with Section 4600) of  
9 Division 1 of Title 5 of the California Code of Regulations and  
10 shall receive a written decision regarding the appeal within 60  
11 days of the department's receipt of the appeal.

12 (3) If a local educational agency finds merit in a complaint, or  
13 the Superintendent finds merit in an appeal, the local educational  
14 agency shall provide a remedy to the affected pupil.

15 (4) Information regarding the requirements of this section shall  
16 be included in the annual notification distributed to, among others,  
17 pupils, parents or guardians of pupils, employees, and other  
18 interested parties pursuant to Section 4622 of Title 5 of the  
19 California Code of Regulations.

20 (j) For purposes of this section, the following definitions apply:

21 (1) "County placing agency" means a county social services  
22 department or county probation department.

23 (2) "Local educational agency" means a school district, a county  
24 office of education, a charter school participating as a member of  
25 a special education local plan area, or a special education local  
26 plan area.

27 (3) "Pupil in foster care" means a child who has been removed  
28 from his or her home pursuant to Section 309 of the Welfare and  
29 Institutions Code, is the subject of a petition filed under Section  
30 300 or 602 of the Welfare and Institutions Code, or has been  
31 removed from his or her home and is the subject of a petition filed  
32 under Section 300 or 602 of the Welfare and Institutions Code.

33 SEC. 5. Section 51225.1 of the Education Code is amended to  
34 read:

35 51225.1. (a) Notwithstanding any other law, a school district  
36 shall exempt a pupil in foster care, as defined in Section 51225.2,  
37 or a pupil who is a homeless child or youth, as defined in Section  
38 11434a(2) of Title 42 of the United States Code, who transfers  
39 between schools any time after the completion of the pupil's second  
40 year of high school from all coursework and other requirements

1 adopted by the governing board of the school district that are in  
2 addition to the statewide coursework requirements specified in  
3 Section 51225.3, unless the school district makes a finding that  
4 the pupil is reasonably able to complete the school district's  
5 graduation requirements in time to graduate from high school by  
6 the end of the pupil's fourth year of high school.

7 (b) If the school district determines that the pupil in foster care,  
8 or the pupil who is a homeless child or youth, is reasonably able  
9 to complete the school district's graduation requirements within  
10 the pupil's fifth year of high school, the school district shall do all  
11 of the following:

12 (1) Inform the pupil of his or her option to remain in school for  
13 a fifth year to complete the school district's graduation  
14 requirements.

15 (2) Inform the pupil, and the person holding the right to make  
16 educational decisions for the pupil, about how remaining in school  
17 for a fifth year to complete the school district's graduation  
18 requirements will affect the pupil's ability to gain admission to a  
19 postsecondary educational institution.

20 (3) Provide information to the pupil about transfer opportunities  
21 available through the California Community Colleges.

22 (4) Permit the pupil to stay in school for a fifth year to complete  
23 the school district's graduation requirements upon agreement with  
24 the pupil, if the pupil is 18 years of age or older, or, if the pupil is  
25 under 18 years of age, upon agreement with the person holding  
26 the right to make educational decisions for the pupil.

27 (c) To determine whether a pupil in foster care, or a pupil who  
28 is a homeless child or youth, is in the third or fourth year of high  
29 school, either the number of credits the pupil has earned to the  
30 date of transfer or the length of the pupil's school enrollment may  
31 be used, whichever will qualify the pupil for the exemption.

32 (d) (1) Within 30 calendar days of the date that a pupil in foster  
33 care who may qualify for the exemption from local graduation  
34 requirements pursuant to this section transfers into a school, the  
35 school district shall notify the pupil, the person holding the right  
36 to make educational decisions for the pupil, and the pupil's social  
37 worker or probation officer of the availability of the exemption  
38 and whether the pupil qualifies for an exemption.

39 (2) Within 30 calendar days of the date that a pupil who is a  
40 homeless child or youth may qualify for the exemption from local

1 graduation requirements pursuant to this section transfers into a  
2 school, the school district shall notify the pupil, the person holding  
3 the right to make educational decisions for the pupil, and the local  
4 educational agency liaison for homeless children and youth  
5 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of  
6 the United States Code, of the availability of the exemption and  
7 whether the pupil qualifies for an exemption.

8 (e) If a pupil in foster care, or a pupil who is a homeless child  
9 or youth, is exempted from local graduation requirements pursuant  
10 to this section and completes the statewide coursework  
11 requirements specified in Section 51225.3 before the end of his or  
12 her fourth year of high school and that pupil would otherwise be  
13 entitled to remain in attendance at the school, a school or school  
14 district shall not require or request that the pupil graduate before  
15 the end of his or her fourth year of high school.

16 (f) If a pupil in foster care, or a pupil who is a homeless child  
17 or youth, is exempted from local graduation requirements pursuant  
18 to this section, the school district shall notify the pupil and the  
19 person holding the right to make educational decisions for the  
20 pupil how any of the requirements that are waived will affect the  
21 pupil's ability to gain admission to a postsecondary educational  
22 institution and shall provide information about transfer  
23 opportunities available through the California Community  
24 Colleges.

25 (g) A pupil in foster care, or a pupil who is a homeless child or  
26 youth, who is eligible for the exemption from local graduation  
27 requirements pursuant to this section and would otherwise be  
28 entitled to remain in attendance at the school shall not be required  
29 to accept the exemption or be denied enrollment in, or the ability  
30 to complete, courses for which he or she is otherwise eligible,  
31 including courses necessary to attend an institution of higher  
32 education, regardless of whether those courses are required for  
33 statewide graduation requirements.

34 (h) If a pupil in foster care, or a pupil who is a homeless child  
35 or youth, is not exempted from local graduation requirements or  
36 has previously declined the exemption pursuant to this section, a  
37 school district shall exempt the pupil at any time if an exemption  
38 is requested by the pupil and the pupil qualifies for the exemption.

1 (i) If a pupil in foster care, or a pupil who is a homeless child  
2 or youth, is exempted from local graduation requirements pursuant  
3 to this section, a school district shall not revoke the exemption.

4 (j) If a pupil in foster care is exempted from local graduation  
5 requirements pursuant to this section, the exemption shall continue  
6 to apply after the termination of the court's jurisdiction over the  
7 pupil while he or she is enrolled in school or if the pupil transfers  
8 to another school or school district.

9 (k) A school district shall not require or request a pupil in foster  
10 care, or a pupil who is a homeless child or youth, to transfer schools  
11 in order to qualify the pupil for an exemption pursuant to this  
12 section.

13 (l) (1) A pupil in foster care, the person holding the right to  
14 make educational decisions for the pupil, the pupil's social worker,  
15 or the pupil's probation officer shall not request a transfer solely  
16 to qualify the pupil for an exemption pursuant to this section.

17 (2) A pupil who is a homeless child or youth, the person holding  
18 the right to make educational decisions for the pupil, or the local  
19 educational agency liaison for homeless children and youth  
20 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of  
21 the United States Code, shall not request a transfer solely to qualify  
22 the pupil for an exemption pursuant to this section.

23 (m) (1) A complaint of noncompliance with the requirements  
24 of this section may be filed with the local educational agency under  
25 the Uniform Complaint Procedures set forth in Chapter 5.1  
26 (commencing with Section 4600) of Division 1 of Title 5 of the  
27 California Code of Regulations.

28 (2) A complainant not satisfied with the decision of a local  
29 educational agency may appeal the decision to the department  
30 pursuant to Chapter 5.1 (commencing with Section 4600) of  
31 Division 1 of Title 5 of the California Code of Regulations and  
32 shall receive a written decision regarding the appeal within 60  
33 days of the department's receipt of the appeal.

34 (3) If a local educational agency finds merit in a complaint, or  
35 the Superintendent finds merit in an appeal, the local educational  
36 agency shall provide a remedy to the affected pupil.

37 (4) Information regarding the requirements of this section shall  
38 be included in the annual notification distributed to, among others,  
39 pupils, parents or guardians of pupils, employees, and other



1 interested parties pursuant to Section 4622 of Title 5 of the  
2 California Code of Regulations.

3 SEC. 6. Section 51225.2 of the Education Code is amended to  
4 read:

5 51225.2. (a) (1) For purposes of this section, “pupil in foster  
6 care” means a child who has been removed from his or her home  
7 pursuant to Section 309 of the Welfare and Institutions Code, is  
8 the subject of a petition filed under Section 300 or 602 of the  
9 Welfare and Institutions Code, or has been removed from his or  
10 her home and is the subject of a petition filed under Section 300  
11 or 602 of the Welfare and Institutions Code.

12 (2) For purposes of this section, “pupil who is a homeless child  
13 or youth” means a pupil who meets the definition of “homeless  
14 child or youth” in Section 11434a(2) of Title 42 of the United  
15 States Code.

16 (b) Notwithstanding any other law, a school district and county  
17 office of education shall accept coursework satisfactorily completed  
18 by a pupil in foster care or a pupil who is a homeless child while  
19 attending another public school, a juvenile court school, or a  
20 nonpublic, nonsectarian school or agency even if the pupil did not  
21 complete the entire course and shall issue that pupil full or partial  
22 credit for the coursework completed.

23 (c) The credits accepted pursuant to subdivision (b) shall be  
24 applied to the same or equivalent course, if applicable, as the  
25 coursework completed in the prior public school, juvenile court  
26 school, or nonpublic, nonsectarian school or agency.

27 (d) A school district or county office of education shall not  
28 require a pupil in foster care or a pupil who is a homeless child or  
29 youth to retake a course if the pupil has satisfactorily completed  
30 the entire course in a public school, a juvenile court school, or a  
31 nonpublic, nonsectarian school or agency. If the pupil did not  
32 complete the entire course, the school district or county office of  
33 education shall not require the pupil to retake the portion of the  
34 course the pupil completed unless the school district or county  
35 office of education, in consultation with the holder of educational  
36 rights for the pupil, finds that the pupil is reasonably able to  
37 complete the requirements in time to graduate from high school.  
38 When partial credit is awarded in a particular course, the pupil in  
39 foster care or the pupil who is a homeless child or youth shall be

1 enrolled in the same or equivalent course, if applicable, so that the  
2 pupil may continue and complete the entire course.

3 (e) A pupil in foster care or a pupil who is a homeless child or  
4 youth shall not be prevented from retaking or taking a course to  
5 meet the eligibility requirements for admission to the California  
6 State University or the University of California.

7 (f) (1) A complaint of noncompliance with the requirements  
8 of this section may be filed with the local educational agency under  
9 the Uniform Complaint Procedures set forth in Chapter 5.1  
10 (commencing with Section 4600) of Division 1 of Title 5 of the  
11 California Code of Regulations.

12 (2) A complainant not satisfied with the decision of a local  
13 educational agency may appeal the decision to the department  
14 pursuant to Chapter 5.1 (commencing with Section 4600) of  
15 Division 1 of Title 5 of the California Code of Regulations and  
16 shall receive a written decision regarding the appeal within 60  
17 days of the department's receipt of the appeal.

18 (3) If a local educational agency finds merit in a complaint, or  
19 the Superintendent finds merit in an appeal, the local educational  
20 agency shall provide a remedy to the affected pupil.

21 (4) Information regarding the requirements of this section shall  
22 be included in the annual notification distributed to, among others,  
23 pupils, parents or guardians of pupils, employees, and other  
24 interested parties pursuant to Section 4622 of Title 5 of the  
25 California Code of Regulations.

26 SEC. 7. If the Commission on State Mandates determines that  
27 this act contains costs mandated by the state, reimbursement to  
28 local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.